

Message Text

LIMITED OFFICIAL USE

PAGE 01 HONG K 04895 300411Z

21

ACTION L-03

INFO OCT-01 EUR-12 EA-07 ISO-00 JUSE-00 COME-00 TRSE-00

FTC-01 SEC-01 EB-07 /032 W

----- 089102

P R 300330Z APR 76

FM AMCONSUL HONG KONG

TO SECSTATE WASHDC PRIORITY 0136

INFO AMEMBASSY LONDON

LIMITED OFFICIAL USE HONG KONG 4895

FOR L/PM ACTION

E.O. 11652: N/A

TAGS: PGOV, PFOR

SUBJ: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:

FOREIGN LAWS ON QUESTIONABLE PAYMENTS

REF: A. STATE 094647, B. 75 HONG KONG 14139

1. ANSWERS TO QUESTIONS IN REF A ARE:

A. YES

B. NO. PAYMENTS MADE TO GOVERNMENT OFFICIALS IS AN OFFENSE PER SE, BUT NON-DISCLOSURE IS NOT. HOWEVER, WHERE IT APPEARS THAT AN OFFENSE HAS BEEN COMMITTED, THE HONG KONG GOVERNMENT CAN REQUIRE DISCLOSURE IN THE COURSE OF ITS INVESTIGATION. IN THAT CASE, FAILURE TO DISCLOSE IS AN OFFENSE.

C. NO

D. AND E. NOT APPLICABLE TO HONG KONG BECAUSE OF ITS STATUS AS A BRITISH COLONY. THERE ARE NO POLITICAL PARTIES.

F. YES

2. PART II OF THE HONG KONG PREVENTION OF BRIBERY ORDINANCE STATES THAT IT IS AN OFFENSE TO OFFER OR RECEIVE AN ADVANTAGE TO OR ON THE PART OF A PUBLIC
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 HONG K 04895 300411Z

SERVANT. IT ALSO PROVIDES THAT "ANY PERSON WHO, BEING

OR HAVING BEEN A CROWN SERVANT (A) MAINTAINS A STANDARD OF LIVING ABOVE THAT WHICH IS COMMENSURATE WITH HIS PRESENT OR PAST OFFICIAL EMOLUMENTS; OR (B) IS IN CONTROL OF PECUNIARY RESOURCES OR PROPERTY DISPROPORTIONATE TO HIS PRESENT OR PAST OFFICIAL EMOLUMENTS, SHALL, UNLESS HE GIVES A SATISFACTORY EXPLANATION TO THE COURT . . . BE GUILTY OF AN OFFENCE." THERE HAVE BEEN MANY CONVICTIONS UNDER THIS LAST SECTION SINCE THE INDEPENDENT COMMISSION AGAINST CORRUPTION BEGAN OPERATION IN 1974.

3. PART II ALSO PROSCRIBES CORRUPT COMMERCIAL TRANSACTIONS WITH AGENTS, E.G. THE ACCEPTANCE OF OFFER, WITHOUT LAWFUL AUTHORITY OR REASONABLE EXCUSE, OF ANY ADVANTAGE BY OR TO AN AGENT.

4. AS CAN BE SEEN FROM THE ABOVE, HONG KONG HAS STRICT LAWS AGAINST QUESTIONABLE PAYMENTS. THEY ARE ALSO STRICTLY ENFORCED.

5. FULL TEXT OF ORDINANCE WAS SENT TO DEPT. ON DECEMBER 9, 1975 AS AN ATTACHMENT TO HONG KONG A-243. CROSS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CABINET, BRIBERY, LAW, COMMITTEES, BUSINESS FIRMS, FOREIGN INVESTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976HONGK04895
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760164-0319
From: HONG KONG
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976044/aaaaacpn.tel
Line Count: 83
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 94647, 76 HONG KONG 14139
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 17 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 MAY 2004 by BoyleJA>; APPROVED <13 SEP 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD: FOREIGN LAWS ON QUESTIONABLE PAYMENTS
TAGS: PGOV, PFOR, XX, HK
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006